EXHIBIT 5

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Page 1

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This docket is current through 07/09/2003

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Court: U.S. DISTRICT COURT EASTERN DISTRICT OF

NORTH CAROLINA (RALEIGH)

Case Title: USA v. HORTON

Case: 02-CR-4-ALL

Judge: JUDGE MALCOLM J. HOWARD

Date Filed: 01/08/2002

Notes: OTHER DKT # 5:01-M -00617

SUMMARY

Case Number: 5:02CR00004

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02-CR-4-ALL

Page 2 😁 🛫

... 3

NAMES

Defendant:

JOHN D. HORTON (1)

Attorney(s):

JAMES A. MARTIN, ASST. FED. PUB. DEF.

150 FAYETTEVILLE ST. MALL

SUITE 450

919-856-4236

FTS 856-4477

RALEIGH, NC 27601

Pending Counts:

Disposition:

18:1361.M GOVERNMENT
PROPERTY OR CONTRACTS <= \$100 [5:01-M -617] (1)

CT. 1 - \$15 RESTITUTION, \$25 SA, 30 DAYS BOP CT. 2 - \$10 SA, 10 DAYS IN BOP - SUSPENDED SENTENCE [5:01-M -617] (1)

18:13-9999.P, NCGS 14-223 FEDERAL STATUTES, OTHER [5:01-M -617] (4) DISMISSED [5:01-M -617] (4)

18:13-7220.P TRAFFIC
OFFENSES, OTHER, CT.2-NO
REGISTRATION, NCGS
20-57(c), CT.3-NO LICENSE,
NCGS 20-7(a), CT.5-PROFANE
LANGUAGE ON HIGHWAY, NCGS
14- 197 [5:01-M -617] (5)

CT. 1 - \$15 RESTITUTION, \$25 SA, 30 DAYS BOP CT. 2 - \$10 SA, 10 DAYS IN BOP - SUSPENDED SENTENCE [5:01-M -617] (5)

18:701.P MILITARY-BADGES ID CARDS, OTHER INSIGNIA [

5:01-M -617] (6)

18:1382.P ENTERING
MILITARY/NAVAL/COAST GUARD
PROPERTY [5:01-M
-617] (7)

Offense Level (opening):

(OPENING): 3

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Page 3 😁 🛥 02-CR-4-ALL

Terminated Counts:

Disposition:

18:13-7220.P TRAFFIC OFFENSES, OTHER, CT.2-NO NCGS REGISTRATION, 20-57(c), CT.3-NO LICENSE, NCGS 20-7(a), CT.5-PROFANE LANGUAGE ON HIGHWAY, NCGS 14- 197 [5:01-M -617] (2 - 3)

DISMISSED [5:01-M -617] (2 - 3)

Complaints:

Disposition:

NONE

Plaintiff:

UNITED STATES OF AMERICA

Attorney(s):

ANNE HAYES, ASST. U.S. ATTORNEY

310 NEW BERN AVE.

SUITE 800

919-856-4305

FTS 856-4821

RALEIGH, NC 27601-1461

DOCKET PROCEEDINGS

Entry#: Date: Description:

51 07/03/2003 ORDER AS TO JOHN D. HORTON - THE COUT DISMISSES THIS MATTER FOR FAILURE TO PROSECUTE PURSUANT TO LOCAL RULE 45. (SIGNED BY PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 07/03/03, BY:

MSI

Order Document for Later Delivery

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02-CR-4-ALL		Page 4 1a
	04/04/2003	TRANSMITTED RECORD ON APPEAL TO U.S. COURT OF APPEALS AS TO JOHN D. HORTON: [40-1] APPEAL, [39-1] APPEAL, [33-1] APPEAL - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 04/04/03, BY: MS]
		Order Document for Later Delivery
50	04/04/2003	ORDER AS TO JOHN D. HORTON - THE COURT RELIEVES APPELLANT'S COURT APPOINTED COUNSEL, GEOFFREY HOSFORD FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. (SIGNED BY PATRICIA CONNOR, CLERK U.S. COURTOF APPEALS) [DATE ENTERED: 04/04/03, BY: MS]
		Order Document for Later Delivery
	03/04/2003	CERTIFICATE TO USCA AND COUNSEL AS TO JOHN D. HORTON RE: [40-1] APPEAL CERTIFYING THAT THE RECORD IN THIS CASE IS COMPLETE FOR PURPOSES OF THE APPEAL. CY. TO JUDGE HOWARD [DATE ENTERED: 03/04/03, BY: MS]
		Order Document for Later Delivery
49	09/27/2002	ORDER AS TO JOHN D. HORTON DENYING [47-1] MOTION TO REOPEN THE CASE AND DELARE A MISTRIAL BASED ON THE TRIAL COURT'S LACK OF PETSONAL AND SUBJECT MATTER JURISDICTION AS TO JOHN D. HORTON (1) (SIGNED BY JUDGE MALCOLM J. HOWARD OB REF:U.S. DISTRICT JUDGE) [DATE ENTERED: 10/01/02, BY: MS]
		Order Document for Later Delivery

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RESPONSE BY USA AS TO JOHN D. HORTON IN OPPOSITION TO [47-1] MOTION TO REDERN THE CASE AND DELARE A MISTRIAL BASED ON THE TRIAL COURT'S LACK OF PETSONAL AND SUBJECT MATTER JURISDICTION - LC JUDGE HOWARD. [DATE ENTERED: 09/23/02, BY: MS] Order Document for Later Delivery 07/02/2002 CERTIFICATE TO USCA AND COUNSEL AS TO JOHN D. HORTON RE: CERTIFYING THAT THE RECORD IN THIS CASE IS COMPLETE FOR PURPOSES OF THE APPEAL. CY. TO JUDGE HOWARD [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery 05/26/2002 RECORD ON APPEAL AS TO JOHN D. HORTON RETURNED FROM U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery 46 05/24/2002 ORDER AS TO JOHN D. HORTON - 02-4131 - THE COURT RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT RELIEVES THE FEDERAL THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, MORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PARTICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS] Order DOCUMENT FOR LATER DELIVERY	02-CR-4-ALL		Page 5
CERTIFICATE TO USCA AND COUNSEL AS TO JOHN D. HORTON RE: CERTIFYING THAT THE RECORD IN THIS CASE IS COMPLETE FOR PURPOSES OF THE APPEAL. CY. TO JUDGE HOWARD [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery RECORD ON APPEAL AS TO JOHN D. HORTON RETURNED FROM U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery OF APPEALS THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]	48	09/05/2002	TO [47-1] MOTION TO REOPEN THE CASE AND DELARE A MISTRIAL BASED ON THE TRIAL COURT'S LACK OF PETSONAL AND SUBJECT MATTER JURISDICTION - LC JUDGE
HORTON RE: CERTIFYING THAT THE RECORD IN THIS CASE IS COMPLETE FOR PURPOSES OF THE APPEAL. CY. TO JUDGE HOWARD [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery RECORD ON APPEAL AS TO JOHN D. HORTON RETURNED FROM U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery ORDER AS TO JOHN D. HORTON - 02-4131 - THE COURT RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]			Order Document for Later Delivery
06/26/2002 RECORD ON APPEAL AS TO JOHN D. HORTON RETURNED FROM U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery ORDER AS TO JOHN D. HORTON - 02-4131 - THE COURT RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]	••	07/02/2002	HORTON RE: CERTIFYING THAT THE RECORD IN THIS CASE IS COMPLETE FOR PURPOSES OF THE APPEAL. CY. TO
U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES. [DATE ENTERED: 07/02/02, BY: MS] Order Document for Later Delivery ORDER AS TO JOHN D. HORTON - 02-4131 - THE COURT RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]			Order Document for Later Delivery
ORDER AS TO JOHN D. HORTON - 02-4131 - THE COURT RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]		06/26/2002	U.S. COURT OF APPEALS: - CONSISTING OF 3 VOLUMES.
RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/24/02, BY: MS]			Order Document for Later Delivery
Order Document for Later Delivery	46	06/24/2002	RELIEVES THE FEDERAL PUBLIC DEFENDER FROM THE OBLIGATION OF FURTHER LEGAL REPRESENTATION OF APPELLANT IN THIS APPEAL. THE COURT APPOINTS GEOFFREY HOSFORD OF WILMINGTON, NORTHCAROLINA AS NEW COUNSEL FOR APPELLANT PURSUANT TO THE PROVISIONS OF THE CRIMINAL JUSTICE ACT. (PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED:
			Order Document for Later Delivery
06/20/2002 TRANSMITTED RECORD ON APPEAL TO U.S. COURT OF APPEALS AS TO JOHN D. HORTON: [40-1] APPEAL - CONSISTING OF 4 VOLUMES. [DATE ENTERED: 06/20/02, BY: MS]		06/20/2002	APPEALS AS TO JOHN D. HORTON : [40-1] APPEAL - CONSISTING OF 4 VOLUMES. [DATE ENTERED: 06/20/02,

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Page 6 === 02-CR-4-ALL Order Document for Later Delivery 47 06/17/2002 MOTION BY JOHN D. HORTON TO REOPEN THE CASE AND DELARE A MISTRIAL BASED ON THE TRIAL COURT'S LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION - LC JUDGE HOWARD BY MEMO. [DATE ENTERED: 08/06/02, BY: MS Order Document for Later Delivery JUDGMENT OF USCA (CERTIFIED COPY) AS TO JOHN D. 06/14/2002 45 HORTON RE: [10-1] APPEAL AFFIRMING JUDGMENT/ORDER [DATE ENTERED: 06/20/02, BY: MS] Order Document for Later Delivery RECORD ON APPEAL AS TO JOHN D. HORTON RETURNED FROM 06/14/2002 U.S. COURT OF APPEALS: (5:01-MG-617-WEB) CONSISTING OF 1 VOLUME. {DATE ENTERED: 06/20/02, BY: MS] Order Document for Later Delivery 44 06/05/2002 ORDER AS TO JOHN D. HORTON - THE COURT DENIES THE PETITION FOR REHEARING. (SIGNED BY PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 06/17/02, BY: MS]

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02-CR-4-ALL		Page 7
	05/14/2002	TRANSCRIPT FILED AS TO JOHN D. HORTON FOR HEARING ON BENCH TRIAL AT FAYETTEVILLE, NC - JANUARY 8, 2002 BEFORE MAGISTRATE WILLIAM A. WEBB VOLUME 1 OF 1, PAGES 1- 136 COURT REPORTER WILLIAMS REPORTING SERVICE(RE: [40-1]APPEAL, [5-1] INTERLOCUTORY APPEAL) [DATE ENTERED: 05/28/02, BY: MS]
		Order Document for Later Delivery
43	04/29/2002	OPINION FROM USCA RE: [10-1] APPEAL - AFFIRMED BY UNPUBLISHED PER CURIAM OPINION. LC JUDGE HOWARD. [DATE ENTERED: 05/14/02, BY: MS]
		Order Document for Later Delivery
••	04/01/2002	TRANSCRIPT FILED AS TO JOHN D. HORTON FOR HEARING ON APPEAL OF JUDGMENT-FEBRUARY 4, 2002 BEFORE JUDGE MALCOLM J.HOWARD - VOLUME 1 OF 1, PAGES 1- 18 COURT REPORTER EDITH THOMPSON (RE:) [DATE ENTERED: 04/03/02, BY: MS]
		Order Document for Later Delivery
·	03/12/2002	TRANSMITTED RECORD ON APPEAL TO U.S. COURT OF APPEALS AS TO JOHN D. HORTON: [33-1] APPEAL, [10-1] APPEAL, [5-1] INTERLOCUTORY APPEAL - CONSISTING OF ITEMS 1 - 32 OF (5:01-M-617-01-WEB) [DATE ENTERED: 03/12/02, BY: MS]
		Order Document for Later Delivery
42	02/22/2002	ORDER AS TO JOHN D. HORTON ~ THE COURT APPOINTS THE FEDERAL PUBLIC DEFENDER AT RALEIGH, NC AS COUNSEL TO REPRESENT APPELLANT IN THIS CASE. (SIGNED BY PATRICIA CONNOR, CLERK U.S. COURT OF APPEALS) [DATE ENTERED: 02/22/02, BY: MS]
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		Order Document for Later Delivery
		NOTICE OF DOCKETING ROA FROM USCA AS TO JOHN D. HORTON RE: [39-1] APPEAL USCA NUMBER: 02-4131 CASE MANAGER: JOY HARGETT [DATE ENTERED: 02/22/02, BY: MS]
		Order Document for Later Delivery
41	02/15/2002	(5-01-MG-617) ORDER AS TO JOHN D. HORTON APPELLANT'S COUNSEL HAS FILED A MOTION TO WITHDRAW FROM FURTHER REPRESENTATION OF APPELLANT ON APPEAL. THE COURT GRANTS THE MOTION TO WITHDRAW. '(SIGNED BY PATRICIA CONNOR, CLERK U.S.COURT OF APPEALS) [DATE ENTERED: 03/12/02, BY: MS]
		Order Document for Later Delivery
40	02/13/2002	NOTICE OF APPEAL BY JOHN D. HORTON (1) COUNT(S)5,6,7 [DATE ENTERED: 03/11/02, BY: ST]
		Order Document for Later Delivery
	02/13/2002	NOTICE OF APPELLATE ACTION AS TO JOHN D. HORTON SENT TO USCA AND COUNSEL RE: [39-1] APPEAL APPEAL PKG. MAILED CONSISTING OF TRANSCRIPT ORDER FORM, DKTING STATEMENT, TRANSM. SHEET AND INDEX [DATE ENTERED: 02/13/02, BY: MS]
		Order Document for Later Delivery
39	02/07/2002	NOTICE OF APPEAL BY JOHN D. HORTON (1) COUNT(S) 5, 6, 7 - LC 4TH CIRCUIT COURT OF APPEALS, LC JUDGE HOWARD, LCU.S. ATTY., LC FEDERAL PUBLIC DEFENDER. [DATE ENTERED: 02/13/02, BY: MS]
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Order Document for Later Deliver	Order	Document	for	Later	Deliver
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02/07/2002 3.8

ORDER AS TO JOHN D. HORTON, REAFFIRMING MAGISTRATE/JUDGE'S DECISION OF THE CONVICTION AND SENTENCE IN THIS CASE (SIGNED BY JUDGE HOWARD OB REF: #34, P.104 CYS DIST) [DATE ENTERED: 02/07/02, BY: JH]

Order Document for Later Delivery

02/06/2002

MOTION HEARING HELD AS TO JOHN D. HORTON RE:APPEAL OF JUDGMENT AND CONVICTION - COURT REPORTER: EDITH THOMPSON IN GREENVILLE BEFORE JUDGE HOWARD - DEFT PRESENT W/COUNSEL JAMES MARTIN - THE COURT DENIES DEFTS MTN TO WITHDRAW ATTYMARTIN. ARGUMENTS BY DEFENSE & GOVT AND THE COURT REAFFIRMS THE MAG/JUDGE ORDER AND REMAND THE DEFT TO CUTODY OF USM TO COMPLETE THE IMPOSITION OF SENT. - WRITTEN ORDER TO FOLLOW BY THE COURT [DATE ENTERED: 02/07/02, BY: JH]

Order Document for Later Delivery

37 01/31/2002 ORDER AS TO JOHN D. HORTON DENYING [35-1] MOTION FOR JAMES MARTIN TO WITHDRAW AS ATTORNEY AS TO JOHN D. HORTON (1) (SIGNED BY JUDGE HOWARD OB REF: 34, PG. 78, CYS DIST.) [DATE ENTERED: 02/01/02, BY: AB]

Order Document for Later Delivery

01/31/2002 36

RENEWED MOTION BY JOHN D. HORTON FOR JAMES MARTIN TO WITHDRAW AS ATTORNEY [DATE ENTERED: 01/31/02, BY: JH1

Order Document for Later Delivery

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35	01/25/2002	ORDER AS TO JOHN D. HORTON DENYING [33-1] MOTION FOR JAMES (TONY) MARTIN TO WITHDRAW AS ATTORNEY AS TO JOHN D. HORTON (1) (SIGNED BY JUDGE HOWARD OB REF: #34, P.50 CYS DIST) [DATE ENTERED: 01/30/02, BY: JH]
		Order Document for Later Delivery
	01/22/2002	ISSUED NOTICE TO APPEAR AS TO JOHN D. HORTON: MOTION HEARING BEFORE JUDGE MALCOLM J. HOWARD SET FOR 2:00 2/4/02 AS TO:HEARING ON APPEAL OF JUDGMENT AND COMMITMENT ENTERED FROM MAG/JUDGE CASE TO A DISTRICT COURT JUDGE [DATE ENTERED: 01/22/02, BY: AB]
		Order Document for Later Delivery
34	01/18/2002	MOTION BY JOHN D. HORTON FOR JAMES (TONY) MARTIN TO WITHDRAW AS ATTORNEY - C: FAXED TO JUDGE HOWARD W/PROP. ORDER. [DATE ENTERED: 01/22/02, BY: AB]
		Order Document for Later Delivery
	01/15/2002	DEADLINE UPDATED AS TO JOHN D. HORTON, SET SENTENCING (APPEAL FROM MAG/JUDGE WEBB - JUDGMENT) BEFORE JUDGE MALCOLM J. HOWARD FOR 10:00 2/4/02 FOR JOHN D. HORTON [DATE ENTERED: 01/15/02, BY: JH]
		Order Document for Later Delivery
27	12/11/2001	ORDER AS TO JOHN D. HORTON DENYING [5-1] DISCOVERY REQUESTED AS TO JOHN D. HORTON (1) (SIGNED BY USMJ WEBB OB REF: MISC OB 15, P.152) CYS DIST [5:01-M -617] [DATE ENTERED: 12/11/01, BY: ST]

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		Order Document for Later Delivery
24	12/10/2001	REQUEST FOR DISCOVERY BY JOHN D. HORTON [5:01-M -617] [DATE ENTERED: 12/11/01, BY: ST]
		Order Document for Later Delivery
19	12/05/2001	ORDER APPOINTING FEDERAL PUBLIC DEFENDER FOR JOHN D. HORTON, CYS DIST [5:01-M -617] [DATE ENTERED: 12/06/01, BY: ST]
		Order Document for Later Delivery
	12/05/2001	CJA 23 FINANCIAL AFFIDAVIT BY JOHN D. HORTON [5:01-M -617] [DATE ENTERED: 12/06/01, BY: ST]
		Order Document for Later Delivery
10	11/26/2001	SECOND INTERLOCUTORY NOTICE OF APPEAL BY JOHN D. HORTON (1) COUNT(S) 1, 2-3, 4, 5, 6, 7 - LC JUDGE DENSON, LC U.S. ATTY., LC MR. HORTON. [5:01-M -617] [DATE ENTERED: 12/07/01, BY: MS]
		Order Document for Later Delivery
	11/26/2001	NOTICE OF APPELLATE ACTION AS TO JOHN D. HORTON SENT TO USCA AND COUNSEL RE: [2-1] INTERLOCUTORY APPEAL APPEAL PKG. MAILED CONSISTING OF IFP LETTER, IFP FORM, TRANSM. SHEET AND INDEX[5:01-M -617] [DATE ENTERED: 11/26/01, BY: MS]
		Order Document for Later Delivery

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02-CR-4-ALL	·	Page 12 · ·
	11/20/2001 - :	ISSUED NOTICE TO APPEAR AS TO JOHN D. HORTON: SET INITIAL APPEARANCE BEFORE USMJ ALEXANDER B. DENSON FOR 9:00 12/4/01 FOR JOHN D. HORTON [5:01-M -617] [DATE ENTERED: 11/20/01, BY: ST]
		Order Document for Later Delivery
9	11/20/2001	INFORMATION AS TO JOHN D. HORTON (1) COUNT(S) 2-3, 5, 1, 4, 6, 7 [5:01-M -617] [DATE ENTERED: 11/20/01, BY: ST]
		Order Document for Later Delivery .
8	11/16/2001	MOTION BY USA AS TO JOHN D. HORTON TO BE HEARD IN RESPONSE TO DEFENDANT'S MOTION TO DISMISS [DATE ENTERED: 03/11/02, BY: ST]
		Order Document for Later Delivery
5	11/08/2001	NOTICE OF INTERLOCUTORY APPEAL BY JOHN D. HORTON RE I -CITATION ISSUED ON AUGUST 23, 2001 AT POP AIR FORCE BASE - LC 4TH CIRCUIT COURT OF APPEALS, LC JUDGE DENSON, LC U.S. ATTY., LC MR. HORTON [5:01-M -617] [DATE ENTERED: 11/26/01, BY: MS]
		Order Document for Later Delivery
2	09/25/2001	MOTION BY JOHN D. HORTON TO COMPEL, AND TO DISMISS [DATE ENTERED: 03/11/02, BY: ST]
		Order Document for Later Delivery

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02-CR-4-ALL		Page 13 ···	, ·s
	09/24/2001	DEFT.'S NOTICE OF ADDRESS TO CVB BY JOHN D. HORTON [5:01-M -617] [DATE ENTERED: 12/14/01, BY: ST]	. .
	<i>:</i>	Order Document for Later Delivery	
1	08/28/2001	REQUEST FOR DISCOVERY BY JOHN D. HORTON [DATE ENTERED: 03/11/02, BY:]	
		Order Document for Later Delivery	
	08/28/2001	AT THIS POINT, THERE HAS BEEN NO CHARGING DOCUMENT FILED AS TO JOHN D. HORTON [DATE ENTERED: 03/11/02, BY: ST]	
		Order Document for Later Delivery	

TO ORDER COPIES OF ANY DOCUMENTS LISTED ABOVE, CALL WEST DOCUMENT RETRIEVAL 1-877-DOC-RETR (1-877-362-7387) (Additional Charges Apply).

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EXHIBIT 6





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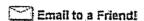
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Ross University School of Medicine

Library Director - Medical

Application Due: 5/31/2003

Posted: 04/07/2003 Location: Dominica Type: Full Time

Salary: 70,000 USD Per Year



Ross University

Founded in 1978 and located on the beautiful Caribbean island of Dominica, Ross Ur School of Medicine has worked closely with leading consultants on medical education than 20 years, to develop an educational program equal in scope and quality to program offered by United States medical schools. The excellence of the program is attested t fact that major United States RUSM-affiliated teaching hospitals welcome our student medical clerks, and RUSM graduates as medical residents. In addition, Ross Univers received multiple state approvals, from Florida, California, New York, and New Jersey attesting to the quality of the program.

Position: Library Director

The Ross University School of Medicine, seeks an experienced, enthusiastic, flexible service oriented librarian for the position of Library Director of the Anne Ross Library Learning Resource Center.

Essential responsibilities include developing user-centered service programs; identify managing print and non-print resources that support the university's teaching mission promoting the use of technology to enhance library operations, expand services and i teaching; developing and evaluating formal and informal instruction related to the acc management of biomedical information; improving the skills and capabilities of staff; a managing the budget and revenue-generating services.

Requirements:

- * ALA accredited MLS
- * 5 to 8 years' professional experience in an academic research or medical school libi setting required.
- * 3 to 5 years' experience supervising professionals librarians and/or library support s
- * Awareness of trends in electronic and digital resources and the impact of technologilibraries.
- * Experience with current and development information services in academic medicin
- * Strong service orientation; commitment to developing student-centered services; ex

verbal, communication, presentation and writing skills; effective teaching, platform an advanced computing skills.

* Experience living and/or working overseas would be a plus.

* Membership in the Academy of Health Information professionals preferred.

The Anne Ross Library occupies a 16,000 sq. ft. building featuring a large service are computer labs with 60 Internet-accessible workstations, an eight-station Slice of Life I group study rooms, faculty multimedia room, faculty conference room, two large read and staff work space.

The collection features 130 current journal subscriptions, more than 5000current textle other monographs, 180 audiovisual titles and 90multimedia programs. The library use DOCLINE and ISI for interlibrary loan and document delivery.

The library recently automated key library functions and developed a Web-based catalog, using EOS International's Q series. The library subscribes to EBSCOhost Electronic Journals Service, EBSCOhost Databases(MEDI Cochrane Collection, Health Source - Consumer Edition, Psychology and Behavioral full-text collection), AccessMedicine and UptoDate.

Salary and benefits: Competitive annual salary - potentially tax-free; relocation assists and from the island of Dominica, deferred pension program and medical benefits. 20 paid annual leave is provided along with opportunities professional development.

Visit us on the web at www.rossmed.edu

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Apply To

Mail:

Christine Holmberg

Ross University Medical School

Human Resources 499 Thornall Street

10th Floor

Edison, NJ 08837

Phone:

732-978-5300 x2633

Fax:

732-978-5311

TDD:

32-310-331

Online App:

NA NA

Via Email:

cholmberg@rossmed.edu

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Thank you for submitting your Job Opening!

Please allow a few business days for your job annoucement to be posted on AMIA's website. Your posting will be screened for relevence to the field of Health Informatics.

Here's the information you provided (text will be formatted prior to posting)...

Contact Information:

Member: no

Membership # (will not appear in posting):

Organization: Ross University Name: Christine Holmberg

Address: 499 Thornall Street 10th Floor

City: Edison State: NJ Zip: 08837 Country: USA

Phone: 732-978-5300 Fax: 732-978-5309

E-mail: cholmberg@rossmed.edu

Organization URL: http://www.rossmed.edu

Position Information:

Job Title: Library Director

Organization Name: Ross University School of Medicine

State:

City: Portsmouth Country: Dominica

Job Description:

Founded in 1978 and located on the beautiful Caribbean island of Dominica, Ross University School of Medicine has worked closely with leading consultants on medical education for more than 20 years, to develop an educational program equal in scope and quality to programs offered by United States medical schools. The excellence of the program is attested to by the fact that major United States RUSM-affiliated teaching hospitals welcome our students as medical clerks, and RUSM graduates as medical residents. In addition, Ross University has received multiple state approvals, from Florida, California, New York, and New Jersey, further attesting to the quality of the program. Position: Library Director The Ross University School of Medicine, seeks an experienced, enthusiastic, flexible and service oriented librarian for the position of Library Director of the Anne Ross Library and Learning Resource Center. Essential responsibilities include developing user-centered service programs ; identifying and managing print and non-print resources that support the university's teaching mission; promoting the use of technology to enhance library operations, expand services and improve teaching; developing and evaluating formal and informal instruction related to the access and management of biomedical information; improving the skills and capabilities of staff; and managing the budget and revenue-generating services. Requirements: ALA accredited MLS 5 to 8 years' professional experience in an academic research or medical school library setting required. 3 to 5 years' experience supervising professionals librarians and/or library support staff. Awareness of trends in electronic and digital resources and the impact of technology on Experience with current and development information services in academic medicine. service orientation; commitment to developing student-centered services; excelle nt verbal, communication. presentation and writing skills; effective teaching, platform and advanced computing skills. Experience living and/or working overseas would be a plus. Membership in the Academy of Health Information professionals preferred. The Anne Ross Library occupies a 16,000 sq. ft. building featuring a large service area, two computer labs with 60 Internet-accessible workstations, an eight-station Slice of Life lab, four group study rooms, faculty multimedia room, faculty conference room, two large reading rooms and staff work space. The collection features 130 current journal subscriptions, more than 5000current textbooks and other monographs, 180 audiovisual titles and 90multimedia programs. The library uses DOCLINE and ISI for interlibrary loan and document delivery. The library recently automated key library functions and developed a Web-based catalog, using EOS International's Q series. The library subscribes to EBSCOhost Electronic Journals Service, EBSCOhost Databases (MEDLINE,

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Cochrane Collection, Health Source - Consumer Edition, Psychology and Behavioral Sciences full-text collection), AccessMedicine and UptoDate. Salary and benefits: Competitive annual salary - potentially tax-free, relocation assistance to and from the island of Dominica, deferred pension program and medical benefits. Twenty five days of paid annual leave is provided along with opportunities professional development. Send a letter of interest and complete C.V. to: Christine Holmberg, Vice President, Human Resources, Ross University School of Medicine, 499 Thornall Street, 10th floor, Edison, New Jersey 08837, email cholmberg@rossmed.edu or fax 732-978-5309. For more information please call 732-978-5300 x2633 Ross University is an equal opportunity employer. Equal employment has been and continues to be both Company policy and practice. Ross's policy of equal employment opportunity is to recruit, hire, train, promote and base all other employment decisions without regard to race, color, religion, national origin, sex, age, handicap, sexual orientation or any other protected status.

EXHIBIT 7

Fried, Michelle

From:

Cole. Keisha

Sent:

Tuesday, January 14, 2003 8:51 AM

To:

Rios, Jorge

Cc:

Fried, Michelle

Subject:

FW: Position Desired: MEDICAL LIBRARIAN, Caribbean Location

----Original Message----

From: john horton [mailto:johndhorton@yahoo.com]

Sent: Monday, January 13, 2003 2:16 PM

To: eangelakos@rossmed.edu

Subject: Position Desired: MEDICAL LIBRARIAN, Caribbean Location

John D. Horton General Delivery DuPont. WA 98327-9999

Email: JohnDHorton@Yahoo.com

Country of Citizenship: United States of America

Veteran's Preference: No

Highest Grade: GS-1410-9, 06/2002 - 08/2002

Contact Current Supervisor: Yes

OBJECTIVE:

Seeking exciting librarian position utilizing my 22 years of experience working in academic, law, special and medical libraries. I have a Master's Degree in Library Science and have worked in library reference services, cataloging and administration. I am an Hispanic minority male applicant over the age of 40 years. I have added ethnic and cultural diversity to my employer's work force which have usually been 100% white female which failed to reflect the ethnic (20-30% minority), cultural (20-30% minority) and gender (50% male) diversity existing in the local community and clientele served.



WORK EXPERIENCE:

United States Military Academy Library 757 Corner of Thayer and Cullum Rds West Point, NY 10996-1711 Dates Employed: 06/2002-08/2002

Grade Level: GS-9 Hours per Week: 20

Librarian, 1410

Served as general reference librarian at the central reference desk. The library collection is established for reference, research education purposes and is used by a variety of West Point personnel, including cadets, faculty, staff, and visiting researchers from other government agencies and educational institutions. The collection supports the USMA curriculum and academic programs and covers a wide

variety of electronic resources and reference materials to instruct and assist cadets with research and use of resources. Provided library orientation and instruction for cadets, faculty, and staff. Participated in selection of information sources for the Library and develops specialized bibliographies as required. Provides night and weekend reference coverage. Assists with special projects relating to reference and circulation to include, but not limited to shelving, shelf maintenance, scanning, digitizing, collection review. Performs other duties as assigned. Temporary-term position. Resigned position to move to Washington state. Additional references: Nancy Keating, Reference Librarian, 845-938-8325, e-mail: un0857@exmail.usma.army.mil; Paul T. Nergelovic, Documents Librarian, 845-938-8270. up6257@exmail.usma.army.mil (Supervisor's Name: Georgianna Watson, ug0202@exmail.usma.army. Phone: 845-938-8321.)

20th Medical Group & Base Hospital Shaw Air Force Base, SC 29152 U.S.A.

Dates Employed: 08/1999-03/2000

Grade Level: GS-8 Hours per Week: 40

Director, Medical Resource Center & Library, 1411 Incumbent utilizes expertise, knowledge and skill to evaluate, acquire, and organize biomedical library resources in all formats. Incumbent conceptualizes service improvements for library users and works with and through others to implementation. Incumbent utilizes the "National Library of Medicine / Library of Congress" cataloging schemes, AACR2 and MARC cataloging principles as applied to use of state-of-the-art integrated online library systems. extended use of the Internet/World Wide Web, telecommunications protocols, DOCLINE, LOANSOME DOC, and other inter-library loan systems. Individual applies theory, principles, and techniques of librarianship in the reference functional area in a U.S. Air Force Base Hospital. Work includes the manipulation of hundreds of online database systems used to provide bibliographic search retrieval information (DIALOG, STN, DTIC, MEDLARS), use of Internet/World Wide Web and appropriate search engines to locate specialized biomedical information, use of end-user search software packages (PubMed/Internet Grateful Med, GIDEON), web sites, electronic library resources and the training of biomedical researchers to use all resources. Resigned this position to care for a sick relative. (Supervisor's Name: Lt. Col. Sylvia Pringle.)

Huron University Library Huron, SD 57350 U.S.A.

Dates Employed: 09/1998-03/1999

Hours per Week: 40

Interim Library Director & University Librarian Management of a growing multimedia collection, significant electronic access to collections within

and outside of the library. A broad understanding of the operations and concepts in public and technical services, significant experience in collection development, working with computers, microforms and audio visual equipment systems, and in the development and administration of a library budget in support of academic programs. Worked productively with students, faculty and staff. Administration and supervision of staff and all library activities including collection development, library systems, operations, services, budget, etc. Responsible for administering the library, formulating policies, planning strategic directions, managing the budget and allocating resources, and supervising the professional faculty and classified staff. Guides and directs the development of state-of-the-art information technologies and integrates them with traditional library collections nad services. Represents the Library to the University community and to external constituencies, with particular focus on library consortia and networks. Cataloging of library materials using Library of Congress classification and subject headings. Temporary, term position. (Supervisor's Name: John Zinng, Ph.D..)

Society of St. Pius X (Roman Catholic Religious Order) Kansas City, MO U.S.A.

Dates Employed: 10/1997-08/1998

Hours per Week: 40

Project Catalog Librarian
Cataloging of library material using AACR2, Library of
Congress Subject Headings and Classification. Marking
and labelling of materials. Shelving of materials. Use
of the Library of Congress on-line catalog via the
internet and OCLC to look-up bibliographic
information. This was a temporary position which ended
when the project was completed. (Supervisor's Name:
Peter Scott.)

Royal Saudi Naval Forces Jubail, Saudi Arabia, Saudi Arabia

Dates Employed: 02/1992-02/1994

Hours per Week: 48

Information Center Director

Management of the Technical Information Branch at the King Abdul Aziz Royal Saudi Naval Base, Jubail, Saudi Arabia. Planned, developed and implemented policies regarding the management and distribution of naval technical information. Received orders for technical publications from naval activities. Received materials from the printing plant and distributed them to the originating naval activity. Fluent in basic conversational Arabic.

Temporary, contract position. (Supervisor's Name:

Capt. Ibrahim Al-Buty.)

Internal Revenue Service Room # 2710 Federal Building Second & Marion Seattle, WA 98104 U.S.A.

Dates Employed: 04/1988-11/1989

Grade Level: GS-5 Hours per Week: 40

Legal Clerk, 0904

Assisting attorneys in the preparation of litigation. Word processing of pleadings filed before the United States Tax Court, the United States District Court and other state and federal courts. Management of the law library. Management of the office supply inventory.

Law Firm of McKinney, Stringer & Webster Oklahoma City, OK U.S.A. Dates Employed: 06/1983-06/1984

-

Hours per Week: 20

Law Librarian
Management and cataloging of law library materials
using Library of Congress Classification and Subject
Headings.

University of Oklahoma Law School Library Norman, OK Dates Employed: 06/1982-05/1983 Hours per Week: 20

Law Library Intern
Working in rotation in all functional areas of the law library.

EDUCATION:

University of Oklahoma Graduate College Norman, OK 73019 U.S.A. Master of Library Science, 1985 Major: Library Science

Cameron University Lawton, OK 73505 U.S.A. B.A., 1982 130 Semester Hours Major: History Minor: Music GPA: 3.46 out of 4.00

University of Oklahoma Law School Norman, OK 73019 U.S.A. 50 Semester Hours Major: Law

Oklahoma City University Law School Oklahoma City, OK U.S.A. 15 Samester Hours Maior: Law

JOB-RELATED TRAINING COURSES:

Library cataloging using AACR2, Library of Congress

Subject Headings and Classification. Microsoft Office Suite.

JOB-RELATED SKILLS:

Microsoft Office Suite. Typing speed 60 WPM.

JOB-RELATED HONORS, AWARDS, MEMBERSHIPS, ETC .:

28 SEP 99 Commander's Coin Award for Performance Improvement Initiative, 20th Medical Group, Shaw Air Force Base, South Carolina.

President's Honor Roll, Cameron University, Lawton, Oklahoma.

Dean's Honor Roll, Cameron University, Lawton, Oklahoma.

Institutional Scholarship in History, Cameron University, Lawton, Oklahoma.

Catholic Foundation of Oklahoma Scholarship, Oklahoma City, Oklahoma.

SUPPLEMENTAL INFORMATION:

EEO CATEGORIES

Hispanic, minority male over the age of 40 years.

PUBLICATIONS

Book review of Kaplan, Robert D. "The Arabist: the Romance of an American Elite." New York: Free Press, 1993 in v. 118 "Library Journal," p. 90, September 15, 1993. Also in "Book Review Digest 1994," New York: H. W. Wilson Co. 1995, p. 1071.

LIBRARY SERVICE PHILOSOPHY

"We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people."

- John F. Kennedy

SUPPLEMENTAL DATA FOR AIR FORCE PERSONNEL CENTER, Randolph AFB, TX

John D. Horton. 443628610. 1. External; 2. Outstanding Scholar; 3. 05/11/1960; 4. Yes; 5. No; 6. No; 7. Yes, Career-Conditional; a. No; b. GS-8, 09/21/1999 to 03/15/2000; c. No; d. No; 8. Yes; 9. 60 WPM; 10. 0 WPM

RECOMMENDATIONS, TRANSCRIPTS AND SF-50's are available as e-mail attachments upon request.

REFERENCES

Georgianna Watson, Associate Director for User

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Service, United States Military Academy Library, 757 Corner of Thayer and Cullum Rds, West Point, NY 10996-1711, 845-938-8321, ug0202@exmail.usma.army

Nancy Keating, Reference Librarian, United States Military Academy Library, 757 Corner of Thayer and Cullum Rds, West Point, NY 10996-1711, 845-938-8325, e-mail: un0857@exmail.usma.army.mil

Paul T. Nergelovic, Documents Librarian, United States Military Academy Library, 757 Corner of Thayer and Cullum Rds, West Point, NY 10996-1711, 845-938-8270, up6257@exmail.usma.army.mil

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EXHIBIT 8

Fried, Michelle

From: Sent: Rios, Jorge [Jrios@rossmed.edu.dm] Tuesday, January 21, 2003 4:40 PM

To: Cc: 'john horton' Fried, Michelle

Subject:

RE: Librarian position / Flight to Dominica

Hello John, I forwarded your e-mail to Ms Michell Fried at the NJ Office (1-732-978-5300 x 2623) so she can contact you via e-mail. I would like you to be with us as soon as you can schedule it. I see that you have lived and work in Dominica so you are familiar with the island and perhaps the school. Please if you can also contact Ms Fried so she has a telephone contact. Looking forward to your visit

Jorge C. Rios MD FACC, FACP Executive Dean Ross University School of Medicine

----Original Message----

From: john horton [mailto:johndhorton@yahoo.com]

Sent: Tuesday, January 21, 2003 4:31 PM

To: Rios, Jorge

Subject: Librarian position / Flight to Dominica

Dear Dr. Rios:

Any word on my flight to Dominica? I haven't heard from your travel agent.

Thank you.

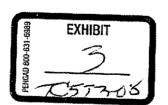
John D. Horton

- --- "Rios, Jorge" < Jrios@rossmed.edu.dm> wrote:
- > yes but call me on the cell phone
- > ----Original Message-----
- > From; john horton [mailto:johndhorton@yahoo.com]
- > Sent Wednesday, January 15, 2003 4:28 PM
- > Ta: Rios. Jorae
- > Subject: RE: Ross University

>

- > I was checking on time zones and you are 4 hours
- > ahead
- > of me. If I call at noon Pacific Time it will be
- > 4:00
- > p.m. Dominica time. Is that okay? I am sending
- > this
- > e-mail at 12:30 p.m. Pacific time and you should
- > receive it around 4:30 p.m. your time.
- > Thank you.
- > John D. Horton
- > Tacoma, Washington
- > USA

> - 0.



```
-- "Rios, Jorge" < Jrios@rossmed.edu.dm > wrote:
> You can call me tomorrow or Friday between 8am and
> 9
> > am our time that
> > represent 12noon and 1pm Pacific time. My office
> > number ( direct) is
> > 1-767-445-6456 ands my cell phone is
> 1-767-235-5380.
> > Looking forward to your
> > call.
> >
>> ----Original Message-
> > From: john horton [mailto:johndhorton@yahoo.com]
> > Sent Wednesday, January 15, 2003 2:20 PM
> > To: Rios, Jorge
> > Subject: Re: Ross University
> >
> > Sorry, I am in-between phone companies right now
> so
> > don't have a telephone number to give you. Please
> > provide me with your telephone number and a date
> and
> > time (I'm on Pacific time) for me to call you.
> > Thank you.
> >
> > John D. Horton
> > Tacoma WA
> >
> > -- "Rios, Jorge" < Jrios@rossmed.edu.dm > wrote:
>>> Thaks you for your interest. I would like to
> have
> a
>> preliminary phone
>>> conversation in preparation for a visit to our
> cam
>> pus. Please provide me of
>>> a telephone number as well as the best times to
> > > contact you.
>>>
>> Sincerely
>>>
>>>
>> Jorge C. Rios MD FACC, FACP
>> Executive Dean
>>> Ross University School of Medicine
>>>
> >
> >
> > Do you Yahoo!?
> > Yahoo! Mail Plus - Powerful. Affordable. Sign up
> > http://mailplus.yahoo.com
> Do you Yahoo!?
> Yahoo! Mail Plus - Powerful. Affordable. Sign up
> now.
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> http://mailplus.yahoo.com

Do you Yahoo!? Yahoo! Mail Plus - Powerful. Affordable. Sign up now. http://mailplus.yahoo.com